

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**JESSIE HILL
ADC #104136**

PLAINTIFF

V.

CASE NO. 5:15-CV-00064 DPM/BD

ARTIS RAY HOBBS, et al.

DEFENDANTS

ORDER

Jessie Hill, an Arkansas Department of Correction (“ADC”) inmate, filed this lawsuit pro se under 42 U.S.C. § 1983. Although the Court allowed Mr. Hill to proceed *in forma pauperis* (“IFP”), the Court ordered him to amend his complaint based on the number of claims raised and the number of Defendants named.

Based on a further review of Mr. Hill’s litigation history, the Court has determined that Mr. Hill has filed at least three lawsuits that were dismissed as frivolous in the Eastern District of Arkansas. *Hill v. Williams, et al.*, 4:11-cv-74 (dismissed as frivolous) (E.D. Ark. April 23, 2012); *Hill v. Anthony, et al.*, 4:11-cv-136 (dismissed as frivolous) (E.D. Ark. Aug. 1, 2011); and *Hill v. Hobbs, et al.*, 5:12-cv-313 (dismissed as frivolous) (E.D. Ark. Nov. 5, 2012). Each of these dismissals counts as a strike. Therefore, Mr. Hill is barred from proceeding IFP under the Prison Litigation Reform Act’s “three strikes” provision unless he sufficiently alleges that he is in imminent danger of serious physical harm.

Accordingly, if Mr. Hill seeks to continue to proceed IFP in this case, he must include in his second amended complaint facts establishing that he faces imminent danger

of serious harm. Again, Mr. Hill is cautioned that he must only include one constitutional claim in his second amended complaint. Mr. Hill has fourteen additional days to file his second amended complaint. His failure to comply with this Order will result in the dismissal of his claims, without prejudice.

Mr. Hill has also filed a motion for recusal and for injunctive relief. (#17) Mr. Hill has not provided a sufficient basis to grant his request that this Court recuse from the lawsuit. For that reason the motion to recuse is DENIED.

Mr. Hill also seeks a preliminary relief in his motion. (#17) Among the preliminary relief he seeks, Mr. Hill asks the Court to order the Defendants to preserve evidence related to his claims – and specifically video and audio tapes. The Defendants have not been served yet, because Mr. Hill has not yet filed an amended complaint that is limited to one constitutional claim. Once the filing fee issue is resolved and Mr. Hill files an amended complaint that complies with court orders, the Court will determine whether the amended complaint states a federal claim for relief. If so, the Court will order that the Defendants be served with a copy of the complaint. At that time, the Court will issue an order directing Defendants to retain all video and audio tapes relevant to Mr. Hill's claims. But at this time, Mr. Hill's motion to preserve evidence is DENIED, as premature.

The balance of the preliminary relief Mr. Hill seeks is DENIED because the motion includes no facts showing that Mr. Hill will face irreparable harm absent immediate Court intervention.

IT IS SO ORDERED, this 3rd day of April, 2015.


UNITED STATES MAGISTRATE JUDGE